NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTHUR PETERSON,	No. 05-35490
Petitioner - Appellant,	D.C. No. CV-05-00084-JWS
v.	
ROBERT DAHL,	MEMORANDUM [*]
Respondent - Appellee.	

Appeal from the United States District Court
for the District of Alaska
John W. Sedwick, District Judge, Presiding

Submitted July 24, 2006 [**]

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Arthur Peterson, an Alaska state pretrial detainee, appeals pro se from the

district court's dismissal of his 28 U.S.C. § 2241 petition as unexhausted. We

have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

Peterson contends that the prosecutor is committing misconduct, he is

---

[*]   This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

[**]   This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

receiving ineffective assistance of counsel, an unreasonable search and seizure, district court bias, and a general governmental conspiracy.

Principles of comity and federalism require us to abstain from deciding pre-conviction habeas challenges unless the petitioner demonstrates that 1) he has exhausted available state judicial remedies, and 2) "special circumstances" warrant federal intervention. *See Carden v. Montana*, 626 F.2d 82, 83-84 (9th Cir. 1980) (defining special circumstances as those cases in which there is "proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction and perhaps in other extraordinary circumstances where irreparable injury can be shown"); *see also Younger v. Harris*, 401 U.S. 37, 41 (1971).

Peterson has failed to exhaust his state remedies and has not demonstrated any extraordinary circumstances which warrant federal intervention in his pre-conviction state habeas challenge.

AFFIRMED.